

**WEST VALLEY CITY**

**RESOLUTION NO. \_\_\_\_\_**

**A RESOLUTION APPROVING AN EASEMENT ENCROACHMENT AGREEMENT BETWEEN WEST VALLEY CITY, THE U.S. DEPARTMENT OF THE INTERIOR AND XO COMMUNICATIONS THAT WILL ALLOW XO COMMUNICATIONS TO INSTALL, OPERATE, AND MAINTAIN TWO 1.25-INCH HDPE CONDUITS ON PROPERTY OWNED BY WEST VALLEY CITY.**

**WHEREAS**, West Valley City owns certain real property encumbered by an easement owned by the U.S. Department of the Interior; and

**WHEREAS**, West Valley City desires to allow XO Communications to install a two 1.25-Inch HDPE Conduits ("Conduits") on said property, and installation of the conduit may not occur without an encroachment on the easement; and

**WHEREAS**, the U.S. Department of the Interior agreed to allow said encroachment for the installation of the conduits; and

**WHEREAS**, an Easement Encroachment Agreement ("Agreement") has been prepared for execution by and between the City, the U.S. Department of the Interior and XO Communications. This Agreement, which is attached hereto sets forth the rights, duties, and obligations of each of the parties with respect thereto; and

**WHEREAS**, the City Council of the West Valley City hereby determines that it is in the best interests of the health, safety, and welfare of the citizens of West Valley City for the City Council to approve the attached Agreement; and

**NOW, THEREFORE, BE IT RESOLVED** by the City Council of the West Valley City that the Agreement is hereby approved in substantially the form attached and that the Mayor is hereby authorized to execute said Agreement for and in behalf of West Valley City, subject to approval of the final form of the Agreement by the City Manager and the City Attorney's Office.

**PASSED, APPROVED and MADE EFFECTIVE** this \_\_\_\_ day of \_\_\_\_\_, 2009.

**WEST VALLEY CITY**

\_\_\_\_\_  
**MAYOR**

**ATTEST:**

\_\_\_\_\_  
**CITY RECORDER**